



**Confederated Tribes and Bands
Of the Yakama Nation**

Established by the
Treaty of June 9, 1855

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May 21, 2015

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

FCC Mail Room

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Re: Confederated Tribes and Bands of the Yakama Nation's Reply Comments on Public Notice FCC 15-49-Request for Further Comment on Issues Related to Competitive Bidding Proceeding; WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, and RM-11395

Dear Secretary Dortch:

The following are submitted on behalf of the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") in response to Public Notice FCC 15-49. The Yakama Nation is a federally recognized sovereign Indian nation pursuant to the Treaty with the Yakama of 1855. The Yakama Nation's reservation spans more than 1.2 million acres, and of the more than 10,000 enrolled members, many live in rural areas in which high-speed and dependable telecommunications services are either difficult to secure, or simply not available. The Federal Communications Commission ("FCC") is aware of the myriad challenges indigenous peoples face in bringing telecommunications services to tribal lands members and others in reservation communities, which have been documented in FCC's docket filings by tribes, tribal organizations, and telecommunications providers. The FCC itself references these challenges when it initiates rulemaking proceedings that are specific to tribal proposals.

On Yakama lands, through our own service providers and utilities, we are still wrestling with the challenges of providing our members with the same or similar level of telecommunications services offered in other areas. Because of our ongoing efforts, Yakama Nation is filing in support of comments already submitted by Doyon, Limited and Chugach Alaska Corporation, Leech Lake Telecommunications, Native Public Media, and the National Congress of American Indians.¹ The aforementioned commenters highlighted key reasons as to why the FCC must preserve the small business designated entity program, and the National Congress of American Indians also provided sound justification for preserving the tribal land bidding credit since WT Docket No. 11-40 has remained inactive in the rulemaking process. In order for tribes to break into this highly competitive market, programs like the small business designated entity and the tribal land bidding credit are essential in providing tribes with an opportunity to participate in future auctions.

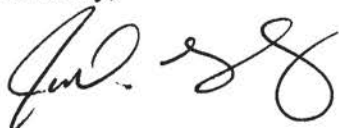
¹ See Doyon, Limited and Chugach Alaska Corporation, Comments. May 14, 2015 Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031750>. Leech Lake Telecommunications, Comments. May 14, 2015. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031605>. Native Public Media, Comments. May 14, 2015. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031662>. National Congress of American Indians, Comments. May 14, 2014. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031719>.

Additionally, we find the comments NTCH, Inc. submitted to be not only erroneous, but also offensive insofar as they are premised on blatant generalizations and assumptions about tribal nations, their citizens, and their financial statuses." NTCH, Inc.'s recommendation to develop some sort of "means testing" to determine telecommunications need in Indian Country is premised on those assumptions and fallacious contentions regarding Indian country and will very likely result in disproportionate negative impacts to underserved indigenous communities, creating another impediment to Native Americans securing adequate and modern telecommunications service on their lands. FCC, along with other federal entities, has already acknowledged and documented the telecommunications infrastructure disparities that have persisted on tribal lands for decades. We respectfully urge the FCC to disregard NTCH, Inc.'s comments and preserve the tribal land bidding credit and small business designated entity programs for the benefit of future tribal participation.

Furthermore, we request that the FCC take into serious consideration how any modifications to the tribal land bidding credit and/or small business designated entity program may adversely affect tribal opportunities to participate in future spectrum license auction. Given the immensely competitive nature of spectrum auctions and the vast amount of capital needed to participate, the FCC should not hastily modify programs that will further prevent tribal participation.

The Yakama Nation and tribes in general already face daunting barriers to obtaining spectrum licenses for commercial mobile wireless services on tribal lands. Therefore, we strongly urge that the FCC not promulgate rules that would further hinder tribes from obtaining such spectrum licenses, thereby perpetuating federal policies that harm Indian tribes and their people.

Sincerely,

A handwritten signature in black ink, appearing to read "JoDe Goudy", with a stylized flourish at the end.

JoDe Goudy, Chairman
Yakama Nation Tribal Council

2 See NTCH, Inc., Comments, WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, and RM-11395. "B. No Automatic Bidding Credits for Indians" Pages 4-5. May 13, 2015. Available at <http://apps.fcc.gov/ecfs/document/view?id=60001047246>.